

REMARKS

In the Office Action, the Examiner rejected claims 20, 23-25, and 30-37 under 35 USC §102. Claims 20, 23-25, and 30-37 remain pending. The claim rejections are fully traversed below.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS UNDER 35 USC §102

In the Office Action, the Examiner rejected the claims under 35 USC §102 as being anticipated by Judge et al, U.S. Patent No. 6,430,570, ('Judge' hereinafter). This rejection is fully traversed below.

Judge discloses a Java Application Manager for an Embedded Device. See Title. The application manager allows remote control of loading, starting, stopping, unloading, and application state querying of applications on an embedded device. See Abstract. In order to provide these capabilities over a network, the embedded device includes a network interface implementing a network protocol which allows clients to send requests to the Application Manager of the embedded device. The Application Program Interface (API) provides remote devices with the ability to specify the desired management of the device. See col. 4, lines 24-37.

Independent claim 20 recites, in part, "an interface including a set of instructions that enable a process other than the application to initiate execution of the instructions for starting execution of the application, the instructions for pausing the execution of the application, and the instructions for terminating the application, wherein the interface comprises a stub adapted for calling the instructions for terminating the application, the stub being capable of accepting a parameter indicating that termination of the application is unconditional when the parameter is in a first state and conditional when the parameter is in a second state." (Emphasis added.)

The Examiner cites col. 13, lines 18-35, which indicates that the Application Manager locates the correct application object, then calls the stopAppl() method on the Application. The

Application object locates the ApplBase instance by the name passed into stopAppl() and calls its terminate() method. In other words, Judge merely discloses passing the name as a parameter. The parameter does not indicate whether the termination is conditional or unconditional. Moreover, Judge neither discloses nor suggests passing a parameter indicating that termination of the application is unconditional when the parameter is in a first state and conditional when the parameter is in a second state. Accordingly, Applicant respectfully asserts that claim 20 is allowable over the cited art.

With respect to claims 23-25, the application itself can communicate that it has decided to terminate and has entered a destroyed state from a loaded state, a paused state, or an active state. In addition, the application can communicate that the application has decided to pause its execution and has entered the paused state from the active state. Moreover, with respect to claim 24, the application can initiate execution of the instructions for communicating that the application has decided to terminate and the instructions for communicating that the application has decided to pause its execution. In addition, with respect to claim 25, the application can communicate that it wishes to resume execution and enter the active state from the paused state, as well as initiate execution of the instructions for communicating that the application has decided to terminate, the instructions for communicating that the application has decided to pause its execution, and the instructions for communicating that the application wishes to resume execution and enter the active state from the paused state. In contrast, col. 9, lines 23-30 and col. 4, lines 24-37 indicate that such requests may be received from a client. However, in no manner does Judge disclose or suggest the ability of an application to communicate that it has decided to terminate, pause or resume its own execution. Accordingly, Applicant respectfully submits that claims 23-25 are patentable over the cited art.

Claims 30-37 recite apparatus claims corresponding to claims 20 and 23-25, respectively, and are therefore allowable for at least the reasons set forth above. Applicant believes that the independent claims and dependent claims are allowable for the reasons previously set forth. The dependent claims depend from one of the independent claims and are therefore patentable over the cited art for at least the same reasons. However, the dependent claims recite additional limitations that further distinguish them from the cited references. Hence, it is submitted that the dependent claims are patentable over the cited art. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the cited art. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §102.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. SUN1P507).

Respectfully submitted,
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